

**SUPREME COURT MINUTES
MONDAY, MARCH 9, 2009
SAN FRANCISCO, CALIFORNIA**

S149988 E037627 Fourth Appellate District, Div. 2 **STATE OF CALIFORNIA v.
UNDERWRITERS AT
LLOYD'S LONDON**

Opinion filed: Affirmed in part, reversed in part

The judgment of the Court of Appeal is reversed insofar as the court directed the superior court to grant Insurers' alternative motion for summary adjudication establishing that the 1978 discharge was excluded by the qualified pollution exclusion. The judgment is otherwise affirmed, and the cause is remanded to the Court of Appeal for further proceedings consistent with this opinion.

Opinion by: Werdegarr, J.

-----joined by: George, C. J., Kennard, Baxter, Moreno, Corrigan, JJ., and Mosk, J.*

*Associate Justice of the Court of Appeal, Second Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

S156537 C052049 Third Appellate District **PEOPLE v. WAGNER (DAVID
ERIC)**

Opinion filed: Affirmed in full with directions

The judgment of the Court of Appeal is affirmed to the extent that it ordered Yolo County Superior Court to void the challenged probation revocation and sentencing proceeding (as it should have been dismissed on jurisdictional grounds) and vacate the sentence imposed at that proceeding. Defendant's probation has been tolled, at a minimum, between June 7, 2004, and October 29, 2004, and from the date of his notice of appeal (March 1, 2006) until the appellate process is final and the remittitur issues. The matter is remanded to the Court of Appeal for further proceedings consistent with this decision.

Majority opinion by: Chin, J.

-----joined by: George, C. J., Kennard, Baxter, Werdegarr, Moreno, and Corrigan, JJ.